

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:24-cv-80341-DMM

NELSON FERNANDEZ,

Plaintiff,

vs.

PERRY ELLIS MENSWEAR, LLC,
d/b/a ORIGINAL PENGUIN,
a foreign limited liability company,

Defendant.

JOINT STIPULATION FOR DISMISSAL WITH PREJUDICE

Plaintiff, NELSON FERNANDEZ (“Plaintiff”), and Defendant, PERRY ELLIS MENSWEAR, LLC d/b/a ORIGINAL PENGUIN (“Defendant”) (Plaintiff and Defendant are collectively, the “Parties”), by and through their respective undersigned attorneys, and pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, hereby stipulate to a dismissal of all of Plaintiff’s claims in the action *with prejudice*, with the Parties to bear their own attorney/paralegal fees, expert fees, costs, and expenses except as otherwise provided in the Parties’ Confidential Settlement Agreement and Release (“Agreement”). A proposed Order of Dismissal With Prejudice is attached hereto as Exhibit 1.

Without admitting liability, to avoid the time and expense of litigation, Defendant has agreed that within twelve (12) months after the Effective Date of the Agreement, Defendant will modify www.originalpenguin.com (the “Website”) to improve accessibility.

Dated: May 13, 2024.

Respectfully submitted,

/s/ Arlene K. Kline

Arlene K. Kline (Florida Bar No. 104957)

Primary: arlene.kline@akerman.com

Secondary: danielle.putnam@akerman.com

Melissa S. Zinkil (Florida Bar No. 0653713)

Primary: melissa.zinkil@akerman.com

Secondary: elisa.waites@akerman.com

AKERMAN LLP

777 South Flagler Drive

Suite 1100 West Tower

West Palm Beach, Florida 33401

Telephone: (561) 671-3675

Facsimile: (561) 659-6313

Attorneys for Defendant,

Perry Ellis Menswear, LLC

/s/ Roderick V. Hannah

Roderick V. Hannah, Esq.

Florida Bar No. 435384

Email: rhannah@rhannahlaw.com

Roderick V. Hannah, Esq., P.A.

4800 North Hiatus Road

Sunrise, FL 33351-7919

Phone: 954-362-3800

Fax: 954-362-3779

and

Pelayo M. Duran, Esq.

Florida Bar No. 146595

Email: duranandassociates@gmail.com

Law Office of Pelayo Duran, P.A.

4640 N.W. 7th Street

Miami, FL 33126-2309

Phone: 305-266-9780

Fax: 305-269-8311

Attorneys for Plaintiff, Nelson Fernandez

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 13, 2024, the foregoing document is being served on all counsel of record identified in the below Service List via CM/ECF.

/s/ Arlene K. Kline

Arlene K. Kline

Florida Bar Number: 104957

SERVICE LIST

Arlene K. Kline, Esq.

Primary: arlene.kline@akerman.com

Secondary: danielle.putnam@akerman.com

Melissa S. Zinkil, Esq.

Primary: melissa.zinkil@akerman.com

Secondary: elisa.waites@akerman.com

AKERMAN LLP

777 South Flagler Drive

Suite 1100 West Tower

West Palm Beach, Florida 33401

Telephone: (561) 671-3675

Facsimile: (561) 659-6313

Attorneys for Defendant,

Perry Ellis Menswear, LLC

Roderick V. Hannah, Esq.

Email: rhannah@rhannahlaw.com

Roderick V. Hannah, Esq., P.A.

4800 North Hiatus Road

Sunrise, FL 33351-7919

Phone: 954-362-3800

Fax: 954-362-3779

and

Pelayo M. Duran, Esq.

Email: duranandassociates@gmail.com

Law Office of Pelayo Duran, P.A.

4640 N.W. 7th Street

Miami, FL 33126-2309

Phone: 305-266-9780

Fax: 305-269-8311

Attorneys for Plaintiff, Nelson Fernandez